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Lead Defense Counsel for Personal Injury/Wrongful Death Cases

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
(SOUTHERN DIVISION – SANTA ANA)

In Re: Toyota Motor Corp. Unintended  
Acceleration Marketing, Sales  
Practices, and Products Liability Litigation

This document relates to:

2:10CV07868 JVS (FMOx)

) Case No. 8:10ML02151 JVS (FMOx)

)  
) Assigned to: Hon. James V. Selna  
) Discovery: Mag. Fernando M. Olguin

)  
) NOTICE OF MOTION OF DEFENDANTS  
) TOYOTA MOTOR SALES, U.S.A., INC.,  
) TOYOTA MOTOR CORPORATION,  
) TOYOTA MOTOR NORTH AMERICA,  
) INC., AND TOYOTA MOTOR  
) ENGINEERING & MANUFACTURING  
) NORTH AMERICA, INC., TO DISMISS  
) CERTAIN CLAIMS FOR FAILURE TO  
) STATE A CLAIM

DATE: December 9, 2010  
TIME : 9:00 a.m.  
DEPT. Courtroom 10C

1 This personal injury action arises from an automobile accident plaintiffs claim  
2 was caused by an unidentified defect in their vehicle. On April 9, 2010, Beverly Ann  
3 Martell was driving the subject 2006 Toyota Camry in Linn County, Oregon, when  
4 plaintiffs claim the vehicle suddenly and unexpectedly accelerated. Original Complaint  
5 for Damages ("Complaint") ¶ 27. Plaintiffs claim that Mrs. Martell was driving  
6 approximately 55 miles per hour when the accelerator pedal automatically went to the  
7 floor. Despite her application of the brakes, the vehicle allegedly continued to  
8 accelerate and veered right into a ditch, causing the vehicle to launch approximately 20  
9 feet into the air and travel several hundred feet before coming to a stop upon hitting a  
10 residential driveway. Complaint ¶¶ 27-29. Mrs. Martell was seriously injured in the  
11 accident. Id.

14 On September 13, 2010, Toyota Motor Sales, U.S.A., Toyota Motor Corporation,  
15 Inc., Toyota Motor North America, Inc., and Toyota Motor Engineering & Manufacturing  
16 North America, Inc., (collectively "Toyota defendants") filed a Federal Rule of Civil  
17 Procedure 12(b)(6) Motion to Dismiss the causes of action common to all or most of the  
18 complaints filed in this Multi-District Litigation. See Court Document Number 335.  
19 Plaintiffs' complaint in this case asserts causes of action nearly identical to those filed  
20 against the Toyota Defendants in the other actions in this Multi-District Litigation.  
21 Therefore, in response to Plaintiff's Original Complaint for Damages, the Toyota  
22 defendants incorporate and adopt by reference all the statements, arguments, points of  
23 authorities and attachments presented in the "Notice of Motion and Motion of  
24 Defendants Toyota Motor Sales, U.S.A., Toyota Motor Corporation, Inc., Toyota Motor  
25 North America, Inc., and Toyota Motor Engineering & Manufacturing North America,  
26  
27  
28

1 Inc., Toyota Motor Manufacturing, California, Inc. and CTS Corporation to Dismiss  
2 Certain Claims for Failure to State a Claim” and related papers filed on September 13,  
3 2010, Court Document Number 335.  
4

5 The Toyota defendants respectfully request the Court to grant their motion and  
6 dismiss plaintiff’s claims.

7  
8 Dated: November 11, 2010

Respectfully submitted,

9 By: /s/ Vincent Galvin  
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